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19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 SAN FRANCISCO DIVISION

22 AUDLEY BARRINGTON LYON, JR., et. al.,

Case No.: 13-cv-05878 EMC

23 Plaintiffs,

24 v.

25 UNITED STATES IMMIGRATION AND
26 CUSTOMS ENFORCEMENT, et. al.,

**JOINT STIPULATION REGARDING
REDACTION OF WITNESS NAMES
EXCEPT INITIALS; [PROPOSED]
ORDER**

27 Defendants.

[PURSUANT TO CIVIL L.R. 7-12]

28 CLASS ACTION

1 The Parties to this action hereby agree to the following regarding the redaction of the names and
2 identifying characteristics of certain class members and third parties in this litigation with respect
3 to proposed trial materials, to protect privacy as permitted by Federal Rule of Civil Procedure

4 5.2(e). WHEREAS:

5 Some Plaintiff class members are seeking or have sought relief or protection from
6 removal based on fear of persecution and in their home countries or based on other grounds that
7 could subject them to retaliation here or abroad;

8 Plaintiff class members seeking relief or protection may have privacy interests arising
9 from statute or regulatory guidance. *See, e.g.*, 8 U.S.C. § 1367(a)(2); 8 C.F.R. §§ 208.6, 1208.6
10 (regulations protecting an asylum-seeker's right to confidentiality);

11 Plaintiffs seek to present class members' testimony at trial, and the parties contemplate
12 the use of exhibits identifying class members and their relations, including testimony and
13 exhibits that may include references to statutorily protected claims for relief or sensitive facts
14 that create concern regarding harassment and retaliation;

15 The Parties agree that protecting Plaintiff class members from potential harm related to
16 disclosure of their identities and the subject matter of their immigration cases can be achieved
17 without prejudice to Defendants by (1) redacting the names and other identifying information of
18 non-named class members and their relations from exhibits and (2) substituting initials of class
19 member witnesses' full names in the parties' briefs, exhibits, and other references to testifying
20 class members during trial; and

21 The Parties recognize that the Court and testifying witnesses would be aided in their
22 ability to interpret exhibits if unredacted copies of proposed trial exhibits are made available for
23 use at trial; only the redacted versions of the exhibits, however, would be published to the
24 courtroom or entered into the public record in light of the privacy concerns noted above.

25 NOW THEREFORE, the Parties stipulate that:

1. Papers and evidence published at trial or otherwise filed in the public record will
2 be redacted to avoid disclosure of the names of non-named class members and their relations and
3 other identifying information for those class members and relations;

4. 2. Documents that relate to specific non-named class members will include the
5 initials of class member witnesses who are not named representatives as needed to allow the
6 public to understand the relationship between testifying class members and the documents that
7 reference them;

8. 3. The names of Plaintiff class representatives will not be redacted;

9. 4. Prior to trial, Plaintiffs will file under seal a reference list of non-named class member
10 witnesses' full names and Alien Registration Numbers and corresponding initials, pursuant to
11 Fed. R. Civ. P. 5.2(g); and

12. 5. The Parties will provide unredacted versions of the papers and evidence filed in the
13 public record in accordance with paragraph 1 to the Court and to witnesses, as necessary to allow
14 the Court and witnesses to verify that exhibits from which class member names are redacted or
15 which are redacted to show only the initials of a class member relate to the class member at
16 issue.

17. THE PARTIES SO STIPULATE, THROUGH THEIR COUNSEL OF RECORD.

18. Dated: April 28, 2016 VAN DER HOUT, BRIGAGLIANO, & NIGHTINGALE, LLP

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9
10 ~~[PROPOSED] ORDER~~

11 PURSUANT TO STIPULATION, IT IS SO ORDERED.

12 Dated: 5/4/16



1
2 **CERTIFICATION OF CONCURRENCE FROM OTHER PARTIES**
3

4 I, Megan Sallomi, am the ECF user whose ID and password are being used to file this
5 Joint Stipulation of Redaction of Witness Names Except Initials and Proposed Order (ECF
6 NO. 231). In compliance with General Order 45, X.B., I hereby certify that each of the other
7 signatories has concurred in the filing of this document and has authorized the use of his/her
8 electronic signature.

9
10 Dated: April 28, 2016 /s/ Megan Sallomi
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